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Appl. No. 09/929,424

Atty. Docket No. 10011005-1

REMARKS

Applicant would first like to thank the Examiner for the courtesies extended during a telephone interview held August 9, 2005. The rejection of claims 1-36 over Himmel et al (US 6,742,052) was discussed during the interview. No agreement was reached with respect to the claims.

The Examiner has rejected claims 1-36 under 35 U.S.C. § 102(e) as being unpatentable over Himmel et al (US 6,742,052). This ground of rejection is respectfully traversed.

A declaration under 37 CFR 1.131 from inventors James Clough and Darrel Cherry is submitted with this reply. It is respectfully requested that this declaration be admitted because it is believed to place the application in condition for allowance or at least in better form for appeal. The declaration establishes that the invention as claimed was conceived in this country prior to the August 9, 2001 effective filing date of the Himmel reference. The declaration also establishes that the conception of the present invention was coupled with due diligence from prior to the effective filing date of the Himmel reference until the present application was filed on August 13, 2001 (i.e., constructive reduction to practice). Thus, Himmel is not available as a reference under 35 U.S.C. 102(e) and should not be considered by the Examiner in determining the patentability of the present claims.

Conception coupled with due diligence is supported by the documents attached to the declaration as Exhibit A and Exhibit B. In particular, Exhibit A is an Invention Disclosure document that was prepared and submitted prior to the effective filing date of Himmel and describes the invention claimed in claims 1-36 of the present application. This Invention Disclosure document thus establishes that the claimed invention was conceived prior to the effective filing date of Himmel. Exhibit B is a letter dated August 7, 2001 forwarding a signed Declaration and Power of Attorney form to the patent attorneys responsible for

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filing the application. The application was filed six days later on August 13, 2001. This sequence of events shows that applicant acted diligently from prior to the effective filing date of Himmel until the present application was filed. Thus, it is respectfully requested that the ground of rejection relying on the Himmel reference be withdrawn.

Even assuming for the sake of argument that the Himmel reference was available as a reference against the claims, it is believed that Himmel does not anticipate the invention as claimed. The claimed invention relates to systems, devices, methods and computer-readable media that include a network-accessible device wirelessly transmitting its network address data to a client device. The wirelessly transmitted address data is used to establish a network link between the client device and the network-accessible device to permit the client device to access and interact with the network-accessible device. All of the independent claims include two common features: 1) wirelessly transmitting address data associated with a network-accessible device from the network-accessible device to one or more client devices, and 2) using the wirelessly transmitted address data to establish a network link with the one or more client devices and the network-accessible device to permit the client devices to access and interact with the network-accessible device.

Himmel et al does not anticipate these claimed features. Instead, Himmel et al discloses a wireless system bus for establishing a direct wireless communication link between a computer and a peripheral device within proximity of the computer. Figure 5 of Himmel et al shows a computer 120 having a wireless internal system bus for communicating with a wireless peripheral device 122. The computer 120 includes a digital transceiver 128 coupled to the internal bus 25, and the peripheral device 122 includes a digital transceiver 130. Thus, direct wireless communication is possible between the computer 120 and the peripheral device 122 via the two digital transceivers 128 and 130.

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The Examiner asserts in the office action that Himmel recites "a wireless peripheral device 130 (transmitter) wirelessly transmitting address data associated with a network-accessible device (120) from the network-accessible device to one or more client computers (128)." Applicant respectfully disagrees with this statement. There is no indication that the wireless peripheral device 122, or its transmitter 130, wirelessly transmits address data associated with the peripheral device 122 from the peripheral device 122 to the computer 120. While Himmel discloses wirelessly transmitting between the computer 120 and the peripheral device 122, the reference does not disclose transmitting address data from the peripheral device 122 to the computer 120. Instead, Himmel discloses that the bus driver of the computer 120 assigns an address to the peripheral device 122, and this address data is transmitted from the computer 120 to the peripheral device 122 (see column 9, lines 25-30 of Himmel). There is simply no disclosure of address data associated with the peripheral device 122 being transmitted from the peripheral device 122 to the computer 120. Accordingly, Himmel does not disclose wirelessly transmitting address data associated with a network-accessible device from the network-accessible device to a client device.

The Examiner also asserts in the office action that Himmel recites "using the wirelessly transmitted address data to establish a network link 170 with the one or more client computers (128) and the network-accessible device." Applicant respectfully disagrees with this statement as well. First, reference numeral 170 is not a network link. As described in column 8, line 1 of Himmel, reference numeral 170 refers to a wireless transmission coming from the digital transceiver 130 of the wireless peripheral device 122 to the digital transceiver 128 of the computer 120. No network link is involved. Moreover, Himmel simply does not disclose using wirelessly transmitted address data to establish a network link between the computer 120 and the peripheral device 122. On the

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contrary, Himmel et al establishes a direct wireless communication link (either serial or parallel) directly between the computer 120 and the peripheral device 122. Figure 11 of Himmel et al does show an alternative embodiment that provides an indirect means for connecting with a peripheral device that includes communications over a network 292. However the peripheral device 122 of the Figure 11 embodiment still does not wirelessly transmit its address data to the computer 120. Instead, Himmel et al states that "the network IP address of the peripheral 122 must be provided to the transformer 290 and the network IP address of the transformer 290 must be provided to the peripheral device 122 so that communications can be directed between the two devices" (column 11, lines 57-61). There is no indication of wirelessly transmitting peripheral device address data from the peripheral device 122 to the computer 120. Accordingly, Figure 11 of Himmel et al does not anticipate the independent claims.

For the above reasons, it is respectfully submitted that independent claims 1, 6, 8, 13, 14, 21, 28, 29, 32 and 36 are allowable over Himmel et al. Claims 2-5, 7, 9-12, 15-20, 22-27, 30-31, and 33-35 depend from claim 1, 6, 8, 14, 21, 29 or 32 and are thus also believed to be allowable.

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration of the objections and rejections is requested. Allowance of claims 1-36 at an early date is solicited.

Respectfully submitted,

8/16/05

Date

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